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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,166	02/24/2004	Kazumi Murata	016907-1601	2375
22428 7590 06/23/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER THOMAS, ASHISH				
ART UNIT PAPER NUMBER 2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,166

Applicant(s)

MURATA, KAZUMI

Examiner

ASHISH K. THOMAS

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-3, 9-10, 11-13, and 19-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Owa(U.S. 2001/0043357).

Regarding claim 1, Owa discloses a data providing apparatus(**Host computer 1 disclosed in paragraph 33 reads on the data providing apparatus**) comprising: an input unit which inputs printing data; (**Paragraph 33, lines 8-12 teaches the ability to input print data.**) a setting unit which sets a selection condition; (**Paragraph 45 teaches a print condition input section 14 that can set a plurality of selection conditions.**) an acquiring unit which is connected to a network, and acquires a plurality of status information concerning a plurality of image forming apparatuses on the network; (**Paragraph 33 teaches a status monitor section 13. Paragraphs 41 and 66 also detail the ability to monitor the status of printers in the network.**) a selection unit which calculates evaluation of said plurality of image forming apparatuses on the basis of the selection condition and said plurality of status information, and selects one image forming apparatus according to calculation result; (**Paragraph 33 teaches an output destination printer selection section 11. Paragraphs 61-64 also teach that an optimum printer is selected based on a calculated score.**) and a

transfer unit which transfers the printing data input by the input unit in order to provide the printing data to said one image forming apparatus selected by the selection unit.

(Paragraph 33 teaches a data transfer section 17. Paragraph 55 further elaborates that the data transfer section 17 transfers the print data to a printer.)

Regarding claim 11, Owa discloses a data providing method comprising: acquiring a plurality of status information concerning a plurality of image forming apparatuses on a network; **(Paragraphs 41 and 66 also detail the ability to monitor the status of printers in the network.)** setting a selection condition for selecting one image forming apparatus from said plurality of image forming apparatuses in order to print given printing data; **(Paragraph 45 teaches the ability to set a plurality of selection conditions.)** calculating evaluation of said plurality of image forming apparatuses on the basis of the selection condition and said plurality of status information, and selecting one image forming apparatus according to calculation result; **(Paragraphs 61-64 teach that an optimum printer is selected based on a calculated score.)** and transferring the printing data in order to provide the printing data to the selected image forming apparatus. **(Paragraph 55 discloses that the data transfer section 17 transfers the print data to a printer.)**

Regarding claims 2 and 12, Owa further discloses that the calculation processing for the selection is performed by also referring to specifications of the printing data input by the input unit. **(Paragraphs 63 and 64 teach that the calculated score is based on the user inputted print conditions.)**

Regarding claims 3 and 13, Owa further teaches that the selection condition is at least one of a distance from the data providing method to the image forming apparatus, printing time of the image forming apparatus, and stability of printing processing of the image forming apparatus. **(Paragraph 71 teaches that condition such as the proximity of printer to the user is a factor in selecting a printer.)**

Regarding claims 9 and 19, Owa further divulges that the calculation result is determined in consideration of whether the image forming apparatus can process a task shown by the printing data or not. **(Paragraph 66 teaches that the selection score for each printer is based on the printer's ability to match the print conditions specified by the user.)**

Regarding claims 10 and 20, Owa further teaches that the calculation of the evaluation of the selection unit is performed not only to each of said plurality of image forming apparatuses, but also to a plurality of ports which are included in the image forming-apparatus. **(Paragraphs 65 and 66 teach that the calculated score would be based on whether or not the printer is printing another job. This, in turn, implies the ability to assess a printer's ports in communication with other devices in the network.)**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 5, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of well known prior art(Official Notice).

Regarding claims 4 and 14, Owa teaches the limitations stated in the respective base claims. Owa further teaches a setting unit which sets a priority concerning certain conditions. **(Paragraphs 60 and 61 teach the ability to set a priority to certain user inputted conditions.)**

But Owa is silent on setting a priority concerning the distance from the data providing apparatus to the image forming apparatus, the printing time of the image forming apparatus, and the stability of the printing processing of the image forming apparatus, which are of the selection condition.

The examiner takes official notice by stating that setting a priority concerning the distance from the data providing apparatus to the image forming apparatus, the printing time of the image forming apparatus, and the stability of the printing processing of the image forming apparatus, which are of the selection condition is well known in the art. **(There are numerous print distribution methods that permit the user to set his/her parameters for the print job, associate a priority to the inputted parameters, and then output the job based on the set priorities.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa with well known prior art to fully put forth the apparatus/method claimed in claims 4 and 14.

The motivation behind this modification is to put forth a method that caters to the needs of the user. For a specific user, one print job condition might be more important than others. By permitting the user to set priorities for each of the print job conditions, this enables the print job to be rendered in a manner that pleases the user.

Regarding claims 5 and 15, Owa further teaches that the user can arbitrarily set a value of the priority of the setting unit. **(Paragraph 58 talks about the user-specified priorities.)**

3. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of Taniguchi(U.S. 6,801,962).

Regarding claims 6 and 16, Owa teaches the limitations stated in the respective base claims.

Owa does not teach that the distance from the data providing apparatus to the image forming apparatus, which is one of the selection conditions of the selection unit, is the value set by the user.

Taniguchi, on the other hand, discloses that the distance from the data providing apparatus to the image forming apparatus, which is one of the selection conditions of the selection unit, is the value set by the user. **(Column 14, lines 35-65 teaches that**

an output device is determined based on the distance between the output device and the user terminal. This reference also teaches that the user can specify the range of the distance.)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa with Taniguchi to fully put forth the apparatus/method claimed in claims 6 and 16.

The motivation behind this modification is to put forth a fast printing method. By permitting the user to set the distance range, the print job is allocated to a printer near the user. This, in turn, permits the user to rapidly retrieve the outputted print job.

4. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of Clough(U.S. 2003/0011811)

Regarding claims 7 and 17, Owa discloses the subject matter claimed in the base claims.

However, Owa is silent on an apparatus/method wherein the selection condition of the setting unit includes the printing time of the image forming apparatus, and the printing time is a printing schedule time calculated in consideration of paper, the number of printing sheets, a printing mode, which are specified by the printing data, and said plurality of status information of said plurality of image forming apparatuses of the network.

Clough, on the other hand, teaches an apparatus/method wherein the selection condition of the setting unit includes the printing time of the image forming apparatus,

and the printing time is a printing schedule time calculated in consideration of paper, the number of printing sheets, a printing mode, which are specified by the printing data, and said plurality of status information of said plurality of image forming apparatuses of the network. **(Paragraphs 21 and 22 teach the ability to specify the printing period 60. Once the user specifies the printing period 60, the print job is scheduled to meet this specification.)**

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa with Clough to fully put forth the method/apparatus claimed in claims 7 and 17.

The motivation behind this modification is to devise an apparatus that accommodates to the needs of the user. By printing within the user-specified time period, this is realized.

5. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owa(U.S. 2001/0043357) in view of Kitada(U.S. 2004/0179230).

Regarding claims 8 and 18, Owa teaches the limitations stated in the respective base claims.

Owa does not teach a method/apparatus wherein the selection condition of the setting unit includes the stability of the printing processing of the image forming apparatus, and the stability is determined on the basis of how many the image forming apparatus has generated an error during a predetermined period in the past.

Kitada, on the other hand, teaches a method/apparatus wherein the selection condition of the setting unit includes the stability of the printing processing of the image forming apparatus, and the stability is determined on the basis of how many the image forming apparatus has generated an error during a predetermined period in the past.

(Paragraph 151 teaches the ability to keep track of the number of errors occurring at each printer. A printer is selected based on this number.)

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Owa with Kitada to fully put forth the method/apparatus claimed in claims 8 and 18.

The motivation behind this modification is to put forth a print job distribution method that minimizes the number of errors. Selecting a printer with a low a number of errors increases the chances of successfully outputting a print job.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHISH K. THOMAS whose telephone number is (571)272-0631. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashish K Thomas/
Examiner, Art Unit 2625
/David K Moore/
Supervisory Patent Examiner, Art Unit 2625